

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**Case Number: 03:99CR125-018 (JAF)**

**JOSE GUTIERREZ-SANABRIA  
T/N: José Antonio Gutierrez-Sanabria**

\* \* \* \* \*

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS  
REQUEST FOR THE TOLLING OF SUPERVISION AND  
ISSUANCE OF A WARRANT**

**TO THE HONORABLE JOSE A. FUSTE  
CHIEF U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW**, Sandra Vélez-García, U.S. Probation Officer of this Honorable Court, presenting an official report upon the conduct of Mr. José A. Gutierrez-Sanabria, who on September 13, 2000, was sentenced to fifty-seven (57) months of imprisonment, to be followed by a four (4) year term of supervised release after having been convicted of violating Title 21, United States Code, Section 846 – Conspiracy to possess with intent to distribute cocaine and heroin. In addition to the thirteen (13) standard conditions adopted by the Court, a Special Monetary Assessment in the amount of \$100.00 was imposed. The following special condition was also ordered: that the offender submit to urine surveillance, if any such samples detect substance abuse, the offender shall, at the discretion of the U.S. Probation Officer, participate in a substance abuse treatment program, arranged and approved by the Probation Officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

**1. VIOLATION OF MANDATORY CONDITION: “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME”.**

On December 17, 2007, Mr. Gutierrez-Sanabria was arrested by the U.S. Immigration and Customs Enforcement (ICE), Marine Unit, and was accused of new criminal charges, at the federal level, for allegedly, importing a controlled substance, to wit, more than ten (10) kilograms of cocaine, a Schedule II Narcotic Drug Controlled Substance, into the United States from a place outside thereof; and possessing with the intent to distribute a controlled substance to wit, more than ten (10) kilograms of cocaine, a Schedule II Narcotic Drug Controlled Substance, all in violation of Title 21, United States Code, Section 952(a) and 841(a)(1) and Title 18, United States Code, Section 2.

On December 18, 2007, an Initial Appearance Hearing was held before U.S. Magistrate Judge Camille L. Vélez-Rive under Criminal Complaint, Case Number: 07-727-M. The offender was ordered detained at the Metropolitan Detention Center (MDC) in Guaynabo, pending the Preliminary and Bail Hearing scheduled for December 21, 2007.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct, that in light of the aforementioned violations incurred by Mr. Gutierrez-Sanabria, and unless the Court rules otherwise, it is respectfully requested that the Court order the tolling of supervision, issue a warrant for Mr. Gutierrez-Sanabria's arrest, and order the United States Marshal Service to produce this defendant before this Honorable Court to show cause why his supervised release term should not be revoked; thereupon to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 20<sup>th</sup> day of December 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

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#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on December 20<sup>th</sup>, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECR system which will send notification of such filing to the following:

U.S. Attorney's Office, Torre Chardón, Suite 1201, #350 Carlos Chardón Ave., San Juan, Puerto Rico and U.S. Public Defender Office, 241 F.D. Roosevelt, El Patio Gallery Bldg., San Juan, Puerto Rico.

At San Juan, Puerto Rico, December 20<sup>th</sup>, 2007.

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